

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 13-00527-F

U.S. TOBACCO COOPERATIVE INC., U.S.)
FLUE-CURED TOBACCO GROWERS, INC.,)
and BIG SOUTH DISTRIBUTION, LLC,)

Plaintiffs,)

v.)

BIG SOUTH WHOLESALE OF)
VIRGINIA, LLC, d/b/a BIG SKY)
INTERNATIONAL, BIG SOUTH)
WHOLESALE, LLC, UNIVERSAL)
SERVICES FIRST CONSULTING, A/K/A)
UNIVERSAL SERVICES CONSULTING)
GROUP, JASON CARPENTER,)
CHRISTOPHER SMALL, EMORY STEPHEN)
DANIEL, and other unnamed co-conspirators,)

Defendants,)

UNITED STATES OF AMERICA,)

Intervenor.)

**UNITED STATES OF AMERICA'S
RESPONSE TO MATTHEW APUZZO'S
MOTION TO INTERVENE AND TO
UNSEAL THE RECORD IN THIS CASE**

FILED UNDER SEAL

The United States of America, by and through undersigned counsel, respectfully files this response to Matthew Apuzzo's motion to intervene and unseal the entire record in this case. As the Government has made clear to the parties, consistent with relevant case law and with the Government's obligations under 28 C.F.R. § 50.9,¹ the Government opposes the closure of the courtroom for the purposes of the upcoming trial, but believes that the Court ordered Sealed Amendment to the Protective Order should remain in place. The Government remains hopeful that the parties can come to agreement on how to conduct an open trial [REDACTED]

¹ The Government has not (and will not) seek authorization from either the Deputy Attorney General or the Associate Attorney General for the Civil Division to consent to the complete sealing the courtroom for purposes of trial. Further, the Government will continue to affirmatively oppose the complete sealing of the courtroom for trial.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Government respectfully believes that [REDACTED] [REDACTED] could allow the parties and the Court to balance the extremely important interests of the public in open judicial proceedings with [REDACTED]

Indeed, as the Government has made clear to the parties, the public interest in open judicial proceedings is a vital one, particularly for a trial. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] there appears to be no reason for the Court to reconsider its entry of the Sealed Amendment to the Protective Order. The Government will continue to provide proposed redactions to the deposition transcripts² and any other materials with Highly Confidential Information to the extent documents can be redacted and do not need to be maintained under seal in full.

In conclusion, Mr. Apuzzo's motion to unseal the case – which is in essence a motion for reconsideration of the Sealed Amendment to the Protective Order – should be denied. But Mr. Apuzzo and the general public should have the benefit of an open trial with appropriate

² To date, none of the Government's redactions have been challenged by the parties.

safeguards and the Government opposes the complete sealing of the courtroom for purposes of the trial in this matter.

CONCLUSION

WHEREFORE, the United States of America respectfully requests that the Court deny Matthew Apuzzo's motion to intervene and unseal the record in this case.

On this, the 12th day of September, 2016.

Respectfully submitted,

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By: /s/

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CERTIFICATE OF SERVICE

I, Wynne P. Kelly, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

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